

TOWN OF NEW WINDSOR

PLANNING BOARD

May 11, 2011

MEMBERS PRESENT: JERRY ARGENIO, CHAIRMAN
DANIEL GALLAGHER
HOWARD BROWN
HARRY FERGUSON

ALSO PRESENT: MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

AMY ZAMENICK, ESQ.
PLANNING BOARD ATTORNEY

JENNIFER GALLAGHER
BUILDING INSPECTOR

NICOLE JULIAN
PLANNING BOARD SECRETARY

ABSENT: HENRY VAN LEEUWEN

MEETING AGENDA:

1. JHCS mobile home park
2. Sandcastle Homes
3. Masons Ridge II
4. Masons Ridge II LL
5. Meadowbrook Estates Cluster sub.
6. Verizon (555 Union Ave.)

REGULAR MEETING:

MR. ARGENIO: I'd like to call to order the May 11, 2011 meeting of the New Windsor Planning Board. Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

ANNUAL MOBILE HOME PARK REVIEW:

JHCS MOBILE HOME PARK

MR. ARGENIO: First on tonight's agenda is JHCS Mobile Home Park. Could you please give your name to the stenographer?

MR. GARRISON: Richard Garrison.

MR. ARGENIO: Jen, has somebody from your office been out there to take look at it?

MS. GALLAGHER: Yes, they have.

MR. ARGENIO: How did it look?

MS. GALLAGHER: Everything's fine.

MR. ARGENIO: Do you have a check made out for \$250?

MR. GARRISON: Yes.

MR. ARGENIO: I'll accept a motion we offer one year extension.

MR. BROWN: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Roll call.

ROLL CALL

MR. FERGUSON AYE

MR. BROWN AYE

MR. GALLAGHER AYE

MR. ARGENIO AYE

MR. ARGENIO: Thank you for keeping an orderly park there.

MR. GARRISON: We try.

REGULAR ITEMS:

SANDCASTLE HOMES SITE AMENDMENT (11-06)

MR. ARGENIO: First regular item is Sandcastle Homes site amendment. This application proposes a change to the previously approved plan to replace the bank pad for the two story office building. The plan was reviewed on a concept basis only. Just to refresh everybody's memory, this is the parcel just below 9W and Union Avenue there between I would call it River Road or Marine Drive and 9W, it's on two different elevations one higher and one lower and I guess you want to do something different on the balance?

MR. VIEBROCK: That's correct.

MR. ARGENIO: So your name for Franny?

MR. VIEBROCK: Chris Viebrock, Chazen Companies.

MR. ARGENIO: Tell us what you want to do here, Chris.

MR. VIEBROCK: The plan was previously approved with two office building pads actually even filed subdivision, filed subdivision site plan approval on two of the buildings. Both buildings have been built and are actually now occupied maxed out so with the good fortune that Mr. Cardaropoli has had filling the buildings he's looking to continue doing that and building another office building where he has previously had trouble with a bank pad site that he's got an approval for on that lot. So what we're presenting tonight is a roughly it's a 6,500 square foot footprint of an office building but there's going to be a second story to it. It's about 1,000 square feet and that's going to be Mr. Cardaropoli's actual office, he'd like to have his own little office there so the site we tried, we looked at the originally approved plan.

MR. ARGENIO: Are you using the same access points with the same width and same everything?

MR. VIEBROCK: Same access point and same width, hydrants and water lines already installed, that's staying the same, the detention pond same size, same configuration, we don't want to change that.

MR. ARGENIO: That would imply you have the same

impervious surface?

MR. VIEBROCK: I will say I have probably a slight increase on this side so we'll work with Mark's office in developing or reviewing the storm water, make sure if we have to do some minor improvements to make that work we'll do that. Sewer and water same location, same tie-in points we're looking to hold.

MR. ARGENIO: How big was the other building that was approved?

MR. VIEBROCK: Offhand, I'm not sure, like 4,500.

MR. ARGENIO: And now so the record is clear you're proposing 6,500 square foot of finished space on the first floor?

MR. VIEBROCK: Correct.

MR. ARGENIO: And 1,000 feet not more than that on the second floor?

MR. VIEBROCK: Correct.

MR. ARGENIO: Correct?

MR. CARDAROPOLI: Correct, yes.

MR. ARGENIO: Go ahead.

MR. VIEBROCK: And that's in summary that's pretty much everything, that's the major points and also we want to provide landscaping in our future submission. We'll do the full landscaping plan, lighting plan just to make sure there's no issues with that as well. We'll add some landscaping, we know there's some residences along Union Avenue, we actually moved, there was a dumpster previously approved really close to Union Avenue, we have actually moved that closer now to the building and tried to screen that away for any aesthetic issues.

MR. ARGENIO: That's probably a good idea.

MR. VIEBROCK: So we did that and that's kind of where we're at and a sidewalk around this whole side, we tried to get around as much of the building as possible to allow for multiple egress points.

MR. ARGENIO: This here, Danny's pointing something out

to me right here you're a little close with that fence to the parking lot, are you not?

MR. GALLAGHER: Guardrail stops.

MR. VIEBROCK: It's right there right next to the fence post.

MR. ARGENIO: Should probably make a little adjustment there.

MR. VIEBROCK: We can tweak that.

MR. GALLAGHER: What's the drop from the parking lot to the detention?

MR. VIEBROCK: It's a three on one slope going down to the pond, I want to say probably six feet drop to the pond level and then a couple few feet.

MR. ARGENIO: This is early in this process, this is the first time we're seeing this but it would seem to me if it's doable and I don't know if it is or not but my plan shows guardrail here and guardrail here with a break in this fence here. If you have three on one slope all through that area from say here over to here probably would make sense to continue the guardrail through just in the interest of continuity. You guys follow me? You have the plan there? Henry Van Leeuwen's not here, we don't have the benefit of his commentary but one of the things he would say if you were here you're Mr. Cardaropoli?

MR. CARDAROPOLI: Yes.

MR. ARGENIO: Would be where is your flag pole but you knew that was coming.

MR. CARDAROPOLI: I'd like to put it right in the center like do a little rotunda.

MR. ARGENIO: I don't know how passe' or not outdoor smoking areas are or seating areas are for your use Mr. Cardaropoli but that area certainly lends itself to that type of thing. I feel like I'm the only one doing any talking. You guys have anything else? What kind of fence is around the pond?

MR. CARDAROPOLI: It's a split rail and it has the chain link on the other side.

MR. GALLAGHER: That's already there?

MR. CARDAROPOLI: Yes, what we did when we did the lower two buildings and the improvements we went ahead and put in this pond up above just because the way that the drainage tied in, yes, so that's already all in. The other thing the bank branch was 3,800 square feet, however, it had five in queue on the drive-thru actually drove through all the way around the building so when we subtracted out all that pavement area which is kind of quite a lot I think we'll probably almost balance out but we'll doublecheck.

MR. ARGENIO: That would be the simplest thing and again the increase in square footage is a formula in the Town Code and I would assume Mark and Jennifer are looking at that. Also just a suggestion, Mr. Cardaropoli this area here it would seem to me that it lends itself to something, some trees or something, I don't know.

MR. CARDAROPOLI: Shade trees or something.

MR. ARGENIO: Yeah, something, you don't have a lot of landscaping shown and this is your first submission, I understand that but we certainly would be looking to see a landscaping plan in that section of the town that area could certainly use.

MR. CARDAROPOLI: Yeah, and it doesn't look great now compared to the other two buildings so I think once we start construction it will look a lot better that's for sure.

MR. ARGENIO: I want to make sure that we're all clear on the square footage thing, 6,000, 6,500 down 1,000, up, yes?

MR. CARDAROPOLI: Yes.

MR. ARGENIO: I'm going to read a couple of Mark's comments, this is not a difficult application because I think all the heavy lifting has been done already on this and you're switching use due to market forces and I certainly understand that. We certainly understand that. From Mark's comments a modified lighting plan will be required, obviously we talked about the need for a landscaping plan and I assume you have some kind of enclosure around the dumpster?

MR. CARDAROPOLI: Yeah, on the last ones and we can show pictures of it we did the split face block with the cap around, you know, and we do them larger just in case the need arises to put a larger dumpster in general that's probably a good idea.

MR. ARGENIO: When they're too small they get banged up and I have used the Target Plaza in or Crossroads Plaza in the Town of Newburgh as the poster child for dumpster locations that are wrong and too small and they don't even use them if you drive back there because they're too small and they're not geometrically correct. One thing I want to just go around the room a little bit here with my contemporaries, we talked about this site, it has already gone through all the heavy lifting of the SWPPP and the storm water, et cetera, et cetera, et cetera, they are just taking the building and they are going from, they thought they could lease a bank pad and they can't so they're going to make it offices. Your offices are where, in Central Valley?

MR. CARDAROPOLI: We moved to New Windsor

MR. ARGENIO: Better place to be.

MR. CARDAROPOLI: Yes, we're in New Windsor now so it's like home base.

MR. ARGENIO: So let's talk about the public hearing a little bit, it's discretionary, I believe we had one when the original application, I don't think there's a lot of residences around here but certainly it's something that we need to if we're going to waive it we need to speak to that. If we're not going to waive it, we need to speak with that. Dan, I will start with you, do you have any thoughts?

MR. GALLAGHER: I think we could waive it, I don't think it's going to affect any residents in the area and would clean up the little piece of triangle.

MR. ARGENIO: They already have approval for a bank. What do you guys think?

MR. BROWN: I think a bank pad would have created more traffic, going to be less traffic.

MR. ARGENIO: You're probably right, that's a good point

MR. BROWN: I don't think it's necessary.

MR. FERGUSON: Don't think it's necessary.

MR. ARGENIO: Motion to waive.

MR. GALLAGHER: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded we waive the public hearing.

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: It seems to me, Mark, it seems to me that this probably has to go to county, yes?

MR. EDSALL: It has to go to the county.

MR. ARGENIO: I think this is in a level of fitness to go to county. Do you disagree?

MR. EDSALL: They may want to see the plan that shows--

MR. ARGENIO: Same curb cut.

MR. EDSALL: It is, they're going to look at the plan and say geez, these guys aren't putting any landscaping in.

MR. ARGENIO: How does that fall in the intermunicipal coordination?

MR. EDSALL: I would never question the scope of the county's reviews but I have seen comments that there weren't enough bushes around a dumpster. Their plan has no landscaping shown so it probably makes sense as soon as we get the upgraded plan send that one.

MR. ARGENIO: Why don't we do that, that will help you guys that way we don't have to do the county dance with you guys, your plan being criticized from afar as it were. So why don't you get that tied up and even if we

end up us tweaking it a little bit here that's fine but let's get that plan.

MR. EDSALL: One thing that you can use for efficiency you'll see on my the second page I have a note that this refers back to the original application, you can if you want if all the details of construction are going to be the same including the dumpster just put a note all construction details including the dumpster enclosure as per the previous approval.

MR. ARGENIO: Are you talking about for the benefit of the county or for this board?

MR. EDSALL: For this board. We, many times when we have an amendment application to simplify the amendment we link the amendment to the original application and say it's subject to all those details and requirements other than what's approved in the amendment, so we have already got a record plan that shows how to build a dumpster enclosure, how to do pavement, if all that's going to be done the identical way they can do it with a note and refer back to the original approval.

MR. ARGENIO: I'm okay with that but what I'd like would be fair and equitable for us up here as the planning board is for you to take that drawing and attach it to this so we can see it so we can at least thumb through and take a look at it and put the number on there, it's all the same stuff so we can do our coordinated review as it were. What else do we need to cover here tonight?

MR. EDSALL: No, I will refer it to the county as soon as we get that new plan.

MR. ARGENIO: With the landscaping.

MR. EDSALL: We'll look at the landscaping and lighting, they had a level of those elements on the original plan, just need to shift it based on the new layout.

MR. ARGENIO: Do we need curves on that?

MR. EDSALL: I believe there were curbs.

MR. ARGENIO: Isolux curves.

MR. EDSALL: Yes, prior plan had isolux curves on the

submittal.

MR. ARGENIO: I don't know what else we can do. I'm glad Mr. Cardaropoli that you have occupied that corner, I'm glad you have tenants, it's good to see that occupied. I'm happy with that, that coupled with across from old 9W they have cleaned that up as well, this is all good stuff. Thank you for coming in tonight.

MR. CARDAROPOLI: Thank you.

MR. VIEBROCK: Thank you.

MASONS RIDGE II (11-02)

MR. ARGENIO: Masons Ridge II. This application proposes an extension of the recently approved Masons Ridge work force housing site plan project to include an additional 20 units on tax lot 20.221. The plan was previously reviewed at the 26 January and 13 April, 2011 planning board meetings. I see Miss Kalisky is here, Mr. Coppola, Mr. Wolinsky.

MS. KALISKY: And Mr. Libolt, Mr. Regan was unable to attend this evening.

MR. ARGENIO: So tell us what we're doing here.

MS. KALISKY: If it pleases the board, I'd like to start with the lot line adjustment, we usually flipped these back and forth.

MR. ARGENIO: Wait a second.

MS. KALISKY: It's listed as site plan first on the agenda.

MR. ARGENIO: I think that we should start with the lot line adjustment.

MS. KALISKY: Last time we were here we discussed that we were going to acquire the parcel formally known as Quillis or the U.S. Bank, the closing was the day after the meeting, the closing did in fact take place and Masons Development now owns this parcel and will be closing shortly on the Baker piece so it will all be owned by one entity. With that we have actually revised our lot line adjustment plan to remove the property line between the tax lot 20.221 and tax lot 19 consolidate it all into the tax lot for the Baker piece we'll refer to it as, so the original area of this lot was 12 point or 1.299 acres with the lot line adjustment here and the removal of this and the consolidation of tax lot 19 will bring that total acreage up to 2.4 acres. We have made some additional revisions to the plan as requested by Mr. Edsall with the bulk tables showing the bulk requirements and net calculations for both lots. We have included only the work force housing overlay zone requirements, I'm hoping that's since the entire parcel is going to be for the work force housing overlay the 2.4 acres included the not the right-of-way but the easements for the shared commercial access that run through the

Masonic Lodge piece, showed the boundaries of that proposed road that's going under construction currently and proposed new easements now that the shared commercial access currently goes through the lands of the Masonic Lodge tax parcel 104.

MR. ARGENIO: That's the proposed access?

MS. KALISKY: Right, this is the proposed access here and went into the Masonic or the Masons Ridge parcel with that lot line change now the Masons Ridge II parcel has to grant access for the easement.

MR. ARGENIO: For the lot in the back?

MS. KALISKY: Yes.

MR. ARGENIO: Has that document been crafted or you need to do that?

MS. KALISKY: We have the metes and bounds description, we have it on the map and Mr. Wolinsky his office will take care of all the actual--

MR. ARGENIO: Mark, is that the genesis of your comment number two bullet two?

MR. EDSALL: It is but I have one question, maybe Dawn can clarify my lack of understanding or understanding maybe hopefully it will change. There's no easement shown for the shared commercial accessway parallel to the road as it comes in, is that because the whole bottom portion is an easement for the road and for the storm water?

MS. KALISKY: That is correct.

MR. ARGENIO: Wait, I don't understand that, Mark, say that again.

MR. EDSALL: I have been questioning why we don't have the shared commercial access right-of-way shown that would parallel the road but in looking at it it seems to me that the reason I may be misunderstanding it is that the entire bottom portion is subject to both the storm water utility and access easement.

MS. KALISKY: That's correct.

MR. EDSALL: So it is the whole bottom.

MS. KALISKY: That's per the approved Masons Ridge Masonic Lodge site plans, yes, that's that dashed line going across the top.

MR. EDSALL: With that clarification, the second bullet is moot.

MR. ARGENIO: Isn't that the third bullet as well?

MR. EDSALL: Yes, I'm sorry, third one. The second bullet is Mr. Wolinsky will be revising the easement situation because there's another lot involved, the third bullet is now moot because I understand the easement arrangement.

MR. ARGENIO: Do you see we're usually relaxed, Mr. Wolinsky.

MR. WOLINSKY: What can I say? The last time I stood up you said why are you standing up? I said well, I have to have a reason for being here so but usually I try not to interfere unless I need to.

MR. EDSALL: Thank you, Dawn.

MR. ARGENIO: Consolidation of lots 19 and 20.22.1 I'm reading from Mark's comments the existing easement will go away. So I understand that that's fine. What else do we have here? Is there any tricks here, Mark? I don't see any. They took care of Henry's issue, this was the genesis of Mr. Van Leeuwen's concerns.

MR. EDSALL: From the lot line change standpoint all the questions I have have been addressed. The bulk table's been resolved, lead agency has been circulated and you could take lead agency. Orange County has responded local determination. The only curve ball that we have is the letter we received from DEC and from Parks, Recreation, Historic Preservation.

MS. KALISKY: Is that applicable to the lot line change?

MR. ARGENIO: Talking globally again more applicable to the site plan, take it easy, don't get excited.

MR. EDSALL: That one in fact again speaking globally since we're linking these SEQRA wise we need to solve it before we can do either.

MR. WOLINSKY: We can't separate the two.

MR. EDSALL: So that one I'm kind of hoping was considered when the archeological evaluation was done initially.

MS. KALISKY: We'll address that in a moment. Can I get a copy of your comments?

MR. EDSALL: Right here.

MR. ARGENIO: We can take lead agency on this.

MR. EDSALL: Lead agency I believe you have not formally assumed as of yet.

MR. ARGENIO: I'll accept a motion we declare ourselves lead agency.

MR. FERGUSON: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Town of New Windsor Planning Board--

MR. EDSALL: Just for clarification, since it is a common action, Larry will correct my wording if I mess it up, it's actually lead agency for both the lot line change and the site plan application.

MR. ARGENIO: Motion has been made as such and seconded. Roll call.

ROLL CALL

MR. FERGUSON AYE
MR. BROWN AYE
MR. GALLAGHER AYE
MR. ARGENIO AYE

MR. ARGENIO: I just want to read this, I have the county letter here, it seems as though they are addressing both applications in regards to the review of Phase I one of this project, the department made this, department meaning the county made a binding comment in a letter dated October 23, 2009 which requests an extension of the proposed sidewalk to the street. This department would like to commend the applicant for addressing this concern. Don't worry

about the planning board for addressing it but you have been duly commended today.

MS. KALISKY: So noted.

MR. WOLINSKY: Happy to take the credit.

MS. KALISKY: Thank you.

MR. ARGENIO: You need to pay close attention to your storm water out there, we have had issues in the past, we don't want issues going forward. Anybody see a need for a public hearing on this lot line change?

MR. GALLAGHER: No.

MR. BROWN: No.

MR. GALLAGHER: Motion we waive public hearing.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion that we waive the public hearing for the lot line only.

ROLL CALL

MR. FERGUSON AYE

MR. BROWN AYE

MR. GALLAGHER AYE

MR. ARGENIO AYE

MR. ARGENIO: What else, Mark, are we missing on this?

MR. EDSALL: I think you've done it all.

MR. ARGENIO: They have cleaned up the things they needed to clean up. Anything?

MR. EDSALL: No.

MR. ARGENIO: So any approval of this will be subject to Mark's comments, not the least of which are Mr. Wolinsky describes that easement in a fashion acceptable to counsel and Mr. Edsall. I'll accept a roll call for final unless anybody sees something else.

MR. EDSALL: I think we haven't closed out SEQRA, we can't because we have the other open issue.

MR. WOLINSKY: We can't do two separate--

MR. EDSALL: It's that close but--

MR. ARGENIO: No, we can't, we need to do SEQRA and there's some issues on the second application so Dawn let's go to the second plan.

MASONS RIDGE II (11-01)

MR. ARGENIO: Masons Ridge II. The application, this is the Masons Ridge II work force housing site plan on New York State 32. This application proposes an extension of the recently approved Masons Ridge work force housing site plan project to include additional 20 units on tax lot 20.22.1. The plan was previously reviewed at the 26 January and 13 April, 2011 planning board meetings. Go ahead, Dawn, what do you have on this?

MS. KALISKY: Okay, we received some comment, we didn't get too far into it last time we were here just because of the lot line adjustment that we needed to make. Since that time--

MR. ARGENIO: If I can just interrupt you? My apologies. This is why you had them, Mark, this is why you had this one first I would assume because of this issue we just discussed?

MR. EDSALL: Either way we can adjust.

MR. ARGENIO: Wisdom in what he does sometimes.

MR. EDSALL: Sometimes there's not.

MR. ARGENIO: Go ahead.

MS. KALISKY: Okay, we revised the dumpster location, we had one big dumpster up here, planning board wished to see two dumpsters smaller in size, we have accommodated that change. We met with the fire inspector, he had comments so we had a meeting with him to discuss and we have revised the lower half the access road and the parking, the lower half is a three story building which would require access for aerial apparatus so in accordance with the code we cannot be anymore than 30 feet from the pavement to the building for this apparatus. He requested that we widen the roads to 30 feet wide so we have flipped it around, pulled the parking closer to the unit itself.

MR. ARGENIO: Didn't we talk about that? I mean, if my memory serves me, we talked about the parking makes more sense being closer to the building, did we not have that whole discussion?

MS. KALISKY: Planning board may have mentioned that as

well but yes.

MR. ARGENIO: Go ahead.

MS. KALISKY: So we made those changes. We have also provided a basically a loop emergency access egress for the emergency vehicles only.

MR. ARGENIO: What am I looking at there, grass pavers?

MS. KALISKY: Yes, sir, we didn't want to pave the world, we're trying to reduce that.

MR. ARGENIO: What's that slope?

MS. KALISKY: Goes from three to six and a half to two.

MR. ARGENIO: Okay.

MS. KALISKY: I did have conversation this morning with Mr. Luccase, one comment that he neglected to include during our discussion he asked if we could relocate the hydrant.

MR. ARGENIO: I have that here, the hydrant will be, needs to be moved to the southwestern corner of the eastern entrance.

MS. KALISKY: Well, down here is where he wanted it, this plan does show it down here. I have already made that change, of course that was done today. But I told Mr. Luccase that that was not an issue to relocate that hydrant and I would ensure that it was done and he will of course see the plan with its location down there.

MR. ARGENIO: You have appropriate fire flows and such? There's no issue with the head pressure loss or anything?

MS. KALISKY: No, actually, it's a lot better than it is up on top of Masons Ridge and we had adequate up there so it would stand to reason that we have more than adequate down low.

MR. ARGENIO: That's a good point, okay.

MS. KALISKY: And that was our revision.

MR. ARGENIO: Anthony, what do you have?

MR. COPPOLA: Nothing, Mr. Chairman, the architectural drawings are the same as they were last time, we haven't made any changes or have any comments.

MS. KALISKY: The access, the storage that we were discussing?

MR. ARGENIO: Yes.

MR. COPPOLA: Oh, that's correct, we did do a plan, actually, Dawn has a small plan with the storage inside the units.

MR. ARGENIO: Inside in the residential space or in the basement area or what?

MR. COPPOLA: In the basement area.

MR. ARGENIO: This is in the form of I'll say pens or cages?

MR. COPPOLA: Yes.

MS. KALISKY: Now to access that portion and that's where our utilities are coming in actually on the lower although on the two story side it's actually at the same per floor elevation as the lower the three story side the 22892 for first floor elevation so the water and sewer utilities are coming in in that utility area. With that we have provided a retaining wall access into for access through into the utility area.

MR. ARGENIO: I'm not seeing that on my plan.

MS. KALISKY: You're not seeing this because this change was made after our submission was made to you.

MR. ARGENIO: That's an issue and you can't do that, it's an issue, it's an issue, it's an issue, you cannot do that but--

MS. KALISKY: It should be actually depicted on the architecturals as well as provided to you.

MR. ARGENIO: I can't see the slopes, I can't see the contours from here but--

MS. KALISKY: It's basically the same grading that you're looking at there.

MR. ARGENIO: How wide is the sidewalk here?

MS. KALISKY: Five feet.

MR. ARGENIO: Is that enough, Mark, with the--

MR. EDSALL: Normally, if there's car overhang we ask for a little more.

MR. ARGENIO: More than five feet or did you ask for five?

MR. EDSALL: Usually ask for six with the car overhang you lose a foot and a half.

MR. ARGENIO: You lose every bit of a couple feet.

MS. KALISKY: We can expand all the sidewalks out to six feet.

MR. EDSALL: Only where there's that overhang because you lose your functional space if somebody pulls right up against it.

MR. ARGENIO: Dawn, is the dumpster business going to work on the upper one?

MS. KALISKY: Yes.

MR. ARGENIO: That geometry is okay?

MS. KALISKY: Yeah, I believe that Keith, that's the same layout that we had at Fishkill.

MR. LIBOLT: I think the dumpster access will be fine. What's your concern exactly, Mr. Chairman?

MR. ARGENIO: It's askew and it's in the driving lane, if a truck pulls in they're in an active driving lane to stick the forks out and grab that dumpster then they are going to back up into a road, it looks like.

MR. LIBOLT: Well, you have, I can skew it either this way or this way, I have no issues skewing it the opposite direction at least then he would pull up, back in, pull in.

MR. ARGENIO: He's in the parking lot at that point is what I'm thinking.

MR. LIBOLT: I think that would be.

MR. BROWN: Are these bins that are going to be in the dumpster rolled out anyway?

MR. LIBOLT: A lot of the trucks now are front dumps, they pull up and dump and flip them over the truck.

MR. ARGENIO: It's the ones with the forks.

MS. KALISKY: Our theory was that they would come in, pick up here, back out, go up, do the loop at Masons Ridge, come back down, get this one and then come back.

MR. ARGENIO: You know what? That makes sense.

MR. LIBOLT: The disadvantage, the advantage to have it opposite out of the traveled way, the disadvantage is he's backing up with the annoying beepers across the front of the building.

MR. ARGENIO: You know what, Mr. Libolt, I think you should make the change that you described, I think having him back into an active roadway is probably not the best idea, I think at least.

MS. KALISKY: Okay.

MR. ARGENIO: Dawn, what's this here? What am I looking at? What's this line here?

MS. KALISKY: That's--

MR. ARGENIO: And you have the same one.

MS. KALISKY: No, actually, that's where I was depicting the edge of pavement and curb for the Snake Hill Road that's going to be constructed.

MR. ARGENIO: It looks like there's a layer that needed to be turned off.

MS. KALISKY: You wanted to see the outline on Snake Hill Road, this is actually all one drawing but I can remedy that on our next plan.

MR. GALLAGHER: What's that constructed of?

MS. KALISKY: That is the same that we have going down, that's--

MR. ARGENIO: Tubular?

MS. KALISKY: Yes, in fact, on the detail sheet--

MR. ARGENIO: Save us from looking, is it tubular steel or wood?

MS. KALISKY: Tubular steel.

MR. ARGENIO: Mark, the lighting is adequate?

MR. EDSALL: Yes, unless they have changed it from a prior review.

MS. KALISKY: No, you wanted at 80.

MR. EDSALL: So it was modified previously.

MR. ARGENIO: Tell me about the DEC business, a response was received by the town from the DEC which indicates that the site is within a sensitive area and recommended that the applicant contact Parks and Recreation Historic Preservation.

MS. KALISKY: Yes, sir.

MR. ARGENIO: What's the deal, you fall into the little circles that they have on the map?

MS. KALISKY: We actually did a complete Phase I archeological survey for the Masons Ridge and Masonic Lodge project that was encompassing 15.2 acres.

MR. ARGENIO: Obviously somebody doesn't have a copy of that.

MS. KALISKY: The Office of Parks does, I, well, when we got the comment letter I immediately contacted Landmark Associates the archeologist that performed the initial survey which of course came back no impact with the proposed development to see if they could either speak with Office of Parks and say look, we have just done the 15.2 acres around it, came out no impact whatsoever on cultural resources and they said well, yeah, we have that but it's a totally different piece so we actually do have to perform a Phase I on this 2.4 acres basically do the digging. Landmark is already on board to get that done, unfortunately, it's not going to be done tomorrow, it does take a little

bit of time. The majority of the reports, the research was done on the original, I asked, I even called the Office of Parks and said gee, can't you cross reference and you'll see that but they said no.

MR. ARGENIO: Would have been too easy.

MS. KALISKY: It would be logical.

MR. ARGENIO: Does anybody know Jennifer or Mark or Amy what do they find up there? Typically is there arrowheads or something, what is it?

MS. GALLAGHER: I have no idea.

MR. EDSALL: I'm not quite sure how they came up with their maps that show sensitive areas.

MR. WOLINSKY: A lot of New Windsor is sensitive, big chunk of New Windsor for whatever reason but--

MR. FERGUSON: A house down on that property was part of the old slave railroad.

MR. ARGENIO: Underground railroad on the St. Joseph's School property, I'm sorry.

MR. WOLINSKY: That for example and the whole Temple Hill Road which I'm sure you're aware of.

MR. ARGENIO: You think?

MR. WOLINSKY: Exactly but I mean that they draw that circle, there's a wide radius that comes outside so you could be well over a mile away from that and still be required to do something.

MS. KALISKY: I have their original report.

MR. ARGENIO: I doubt you not one single bit.

MR. WOLINSKY: We have to close it out, we have no choice.

MR. ARGENIO: That's the deal. What about the water, do you need DOH approval?

MS. KALISKY: No, I spoke with Mr. Edsall on this just yesterday, we spoke with Mr. Burgess who did the initial review on the Masons Ridge project, told him

what we were doing, actually sent him a letter, a copy and we expect a letter from him saying don't worry about it as long as it's included on the record drawing of the final construction there was no need for review and we'll provide a letter to that affect.

MR. EDSALL: Yeah, makes sense it's really just a service to a building off the main.

MR. ARGENIO: So you guys have some things to do here the last thing I think we need to hit unless counsel, learned counsel advises me different is we need to talk about public hearing. I'm just looking for a plan that shows the residences, there's houses down there, Jen, isn't there?

MS. GALLAGHER: There's Fern Drive.

MR. ARGENIO: Fern is across from me.

MS. GALLAGHER: Down on 32.

MR. ARGENIO: What I am talking about is just south of Arkel Motors below this site, I believe there's a bunch of, there you go, residences, yeah, you have stuff going on right there.

MS. KALISKY: You have on Butler and I believe there's some here as well.

MR. ARGENIO: Please don't let the sidewalk comment fall through the cracks.

MS. KALISKY: No, sir, I won't.

MR. ARGENIO: And you guys have some things to do. My opinion and again we'll go around the room is these folks are downstream from the applicant and I would submit to you guys, Howard, if you live down there I think you would to know what's going on.

MR. BROWN: True, definitely want to know what's going on.

MR. ARGENIO: So I think we should consider having a public hearing.

MR. BROWN: I think we should have a public hearing.

MR. ARGENIO: I think the plans are a level of fitness

where we can effectively do that and it's done and not going to cost you any time.

MS. KALISKY: Right.

MR. ARGENIO: So that's what I think it seems as though I'm getting agreement.

MR. GALLAGHER: Absolutely.

MR. BROWN: I'll make a motion to schedule.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded to schedule a public hearing.

ROLL CALL

MR. FERGUSON AYE
MR. BROWN AYE
MR. GALLAGHER AYE
MR. ARGENIO AYE

MR. ARGENIO: Mark, what else do we need to do with this this evening?

MR. EDSALL: There's not much more we can do.

MR. ARGENIO: We have covered ability of--

MR. EDSALL: It's in good shape and once you get the public hearing behind you and the archeological issue resolved you can close SEQRA.

MR. ARGENIO: Amy, you're conspicuously quiet?

MS. ZAMENICK: I know.

MR. ARGENIO: Not usually this quiet.

MS. ZAMENICK: I thought it was a good thing.

MR. ARGENIO: I must be doing things right.

MS. ZAMENICK: No, I don't, things are good.

MR. WOLINSKY: Do you have a date for the hearing?

MR. ARGENIO: No, have yourself or Dawn get ahold of

Nicole and we'll put it together. We'll get the list from the assessor and we'll have the public hearing. Please address the things that we talked about tonight. I don't think there's any heavy lifting there, just some things that need to be cleaned up. That said, thank you for coming in. We'll see you again.

MEADOWBROOK ESTATES CLUSTER SUB. (01-42)

MR. ARGENIO: Next is Meadowbrook Estates. Applicant has submitted an application to amend the final subdivision approval for cluster type configuration. The members are all keyed into that. The submittal as previously reviewed 28 July, 2010, 15 September, 2010, 9 February, 2011 and 8 March, 2011 planning board meetings. This to refresh everybody's memory we worked out I'm going to say 98, 99 percent of the issues on this, the biggest issue and the only issue if my memory serves me was the slope of the roads, some of the roads the vertical curve that's runs longitudinally with the road it was too steep in some areas and after much prodding and tooth pulling as I'm sure Mr. Pfau will admit it's my understanding that they have finally resolved and adjusted the road slopes to meet Town Code. That said, Mr. Pfau, what else do you have?

MR. PFAU: Well, we had a public hearing, I hope that we have concluded the preliminary review and we're here this evening hopefully to, we're asking for consideration preliminary approval, we know we have to go back to Orange County to reaffirm our water main extension, our realty subdivision approval we have already made a submission to DOT with regard to the sewer extension and we have also made a re-submission of the water quality certification to the DEC.

MR. ARGENIO: Mark, just to kind of affirm for the rest of the board you and I have spoken on enumerable occasions over the past week about this application and the road slopes, you have reviewed the plan and it seems to be in conformance?

MR. EDSALL: It took some doing but we're there.

MR. ARGENIO: It did take some doing but it's there.

MR. EDSALL: At this point that being the technical issue that was holding up preliminary approval that being resolved I would recommend as stated in comment three that the board grant preliminary approval so that the applicant can move forward with the outside agency.

MR. ARGENIO: Orange County Planning returned to us local determination, we submitted to Cornwall because we're right there close to Cornwall, no response received. The SWPPP is acceptable, we affirmed the negative dec on 2/9 of '11 and town board granted

cluster authorization on 3/2 of '11. Harry or Howard, you guys have anything else on this?

MR. BROWN: No.

MR. ARGENIO: Any other questions? This was the one Howard if you remember the folks were here from The Reserve, they were concerned about their woods and we imposed some things on the applicant and the applicant was very amenable to it. Danny, do you have any other thoughts?

MR. GALLAGHER: I'd like to ask Jennifer if we received any comments from The Reserve?

MS. GALLAGHER: Minor issues we get every once in a while but nothing.

MR. ARGENIO: One of the issues if my memory serves me the access.

MS. GALLAGHER: Haven't heard anything about that.

MR. ARGENIO: So you guys are coming in and out a different way? That it seems to be working, yes?

MR. PFAU: Well, we're not doing a whole lot there other than the access that they were concerned about, we're done with, there's a gate that you requested, we're waiting for the sign. I'm not sure whether the sign's up yet saying private property stay out and no one can access that road

MR. ARGENIO: That's a good think, okay, just reminding you of that thing that seemed to be cause for concern for a lot of those folks over there.

MS. ZAMENICK: See now I'm going to talk. The only thing I was going to say if you go ahead with preliminary approval I just want to remind the applicant that it is going to be subject to the developer's agreement that you have with the town dated November, 2007 and that the approval is for six months if so approved.

MR. ARGENIO: You acknowledge that?

MR. PFAU: I acknowledge that, yes.

MR. ARGENIO: I'll accept a motion for preliminary

approval.

MR. GALLAGHER: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded by Mr. Brown that we offer preliminary approval for Meadowbrook Estates cluster subdivision. Roll call.

ROLL CALL

MR. FERGUSON AYE

MR. BROWN AYE

MR. GALLAGHER AYE

MR. ARGENIO AYE

MR. ARGENIO: Thank you guys for coming in.

VERIZON (555 UNION AVENUE) (10-26)

MR. ARGENIO: Verizon, nobody's here to represent this, this is Verizon site plan special permit. This is the town owned parcel in the back here. Application proposes a new cell tower on the southern side of Town Hall site. The plan was previously reviewed at the 9 February, 2011, 13 April, 2011 planning board meetings. Just to refresh everybody's memory, the purview of the planning board is extremely, extremely limited on this, this was a town board action and if I misspeak, Mr. Edsall, please correct me. Our input on this is largely and specifically limited to the aesthetic component and the location of the ground mounted equipment. Is that about correct, Mark?

MR. EDSALL: Viewshed impacts.

MR. ARGENIO: Which we did do a, we did have them float the balloon and do the viewshed test to make sure that it was not going to be visible from any of our historic sites in the town and it's not, I asked Mark to take a very close look at that and work with the applicant on the location they selected and that's been done. So what's your name, sir?

MR. OLSON: Scott Olson with Cooper, Irving and Savage.

MR. ARGENIO: What do you have to say?

MR. OLSON: Just that when we were here the last meeting we did not hear back from the Orange County Planning Board. I believe that has now been received, it's been sent over to me and it looks like they are recommending local determination.

MR. ARGENIO: The proposed site plan special use permit appears to be consistent with the county comprehensive plan and local laws. Town board passed a resolution which approved the need, location and the height of the proposed facility and in doing so has exempted the proposed facility from the requirements of the zoning variances.

MR. OLSON: The only thing I would add is when we were here last again I think the board was suggesting or may have been predisposed to a tree tower that we spoke about. We went back and confirmed with the FAA requirements and we, if we were to do, if you were to require us to do a tree tower it would be from 120 to

130 feet because I want to make it look conical and FAA will not let us go higher than 131, am I correct? So we can accommodate a tree tower if that was the desire.

MR. ARGENIO: Where is the image of the tower? Do you have it with you? I asked Nicole to ask you to bring that picture with you.

MR. OLSON: You have photosimulations in the package, I believe. As an example, S2B is one of them.

MR. ARGENIO: I have S1B.

MR. OLSON: There's an S2B.

MR. ARGENIO: Okay, I have S2B and S1B, are these what you're proposing?

MR. OLSON: No, we're proposing the monopole, the planning board seems to be proposing the tree.

MR. ARGENIO: That's correct.

MR. OLSON: If the planning board requires us to do a tree tower that's what we would build. It would be higher than that.

MR. BROWN: Ten feet higher?

MR. OLSON: Ten feet higher than what's shown in the sims.

MR. ARGENIO: Howard, you led the charge, are we on board?

MR. BROWN: Yes.

MR. FERGUSON: Yes.

MR. GALLAGHER: Yes. My question if we went with that the photosimulation, is there different contractors that make different trees or is that exactly what the tree's going to look like? Is it a different--

MR. OLSON: It's a very good representation of what it is going to look like.

MR. ARGENIO: This is a fair rendering?

MR. OLSON: It's a fair representation of what it's

going to look like.

MR. ARGENIO: It's not going to look like a bunch of pipe cleaners attached to a pole, is it?

MR. OLSON: No.

MR. GALLAGHER: There isn't air gaps in between the branches, it's pretty close?

MR. OLSON: That's pretty close to what it's going to be. If there were to be other carriers to come in you're going to lose a couple branches so they can put the antennas but then they put the fake stuff around it.

MR. ARGENIO: You guys are okay with this?

MR. GALLAGHER: Yes.

MR. ARGENIO: This is what you're going to do, yes?

MR. OLSON: If you're--

MR. ARGENIO: We desire this.

MR. OLSON: I can propose it.

MR. ARGENIO: We desire this, this is what we desire but for the fact it will be 10 feet higher because of--

MR. OLSON: Because here's what happens.

MR. FERGUSON: Make it conical.

MR. OLSON: Right here the pole stops pretty much right there, that's 120 feet.

MR. ARGENIO: So the branches are what goes higher?

MR. OLSON: It's a 10 foot top.

MR. EDSALL: It's a top of the tree.

MR. ARGENIO: I want these images part of the permanent record please and I want to make sure that we get what we talked about.

MR. OLSON: Just for the record, the top of the structure will be 130 feet not 120 feet.

MR. ARGENIO: The top of the pole is 120 and the tree, the tree reaches above that to 130 feet.

MR. OLSON: If you were going to put a star on it.

MR. ARGENIO: The tower is 120 feet tall to create the illusion of a tree, that simulated tree reaches above the 120 up to 130 feet, is that fairly stated?

MR. OLSON: Correct, overall structure height 130.

MR. ARGENIO: Okay, Mark or Amy? Yes, Jennifer?

MS. GALLAGHER: When you co-locate on this on the tree you actually remove branches or when they, the co-location comes on is it branches?

MR. OLSON: They take branches off so they can put the antennas on.

MS. ZAMENICK: Do they put the branches back?

MS. GALLAGHER: Are you going to have an open space?

MR. OLSON: A lot of times what they'll do is they'll wrap it in like a fake pine tree branch so that it helps camouflage it. But they don't like to put branches too far out because it interferes with the signal.

MR. ARGENIO: Jen, this is our first time going down this road and I'm really kind of eager to see what it looks like because nobody likes looking at cell phone towers, present company included, and I think this is a good effort to try to mitigate that visual issue.

MS. GALLAGHER: I agree.

MR. ARGENIO: Amy or Mark anything else?

MR. EDSALL: I'm not aware of any other open issues.

MR. ARGENIO: Do you guys have anything else?

MR. BROWN: No.

MR. ARGENIO: Okay, that image is part of the permanent record, I don't, I'm not aware of any subject-tos, if anybody sees fit, I'll accept a motion for final

approval.

MS. ZAMENICK: Wait, I'm going to stop you. I was waiting till you were ready. After reviewing everything, we don't think that the town board did a coordinated SEQRA review so it's necessary that this board do its own SEQRA.

MR. ARGENIO: I don't think that's correct.

MS. ZAMENICK: That's what, well, I don't make the rules, Dominic does.

MR. ARGENIO: Didn't we have that discussion with Cordisco that the SEQRA was disposed of at the town board level?

MS. ZAMENICK: We went over it again today and there was some concern as to whether they intended it to be coordinated.

MR. ARGENIO: Get him on the phone, call him up.

MS. ZAMENICK: I can try. And the other thing is if we're going to do an approval it needs to be subject to the town board special use permit. I'll call if you'd like.

MR. ARGENIO: I don't doubt you but we specifically had this discussion.

MS. ZAMENICK: I know that.

MR. OLSON: I've got the resolution here

MR. EDSALL: I think Mr. Chairman going back to the wisdom of Jim Loeb who's been around longer than any of us he says this is like chicken soup, if you do something twice, it probably isn't hurting anything so--

MR. ARGENIO: I don't see it as a big issue but I specifically had this discussion with him.

MR. EDSALL: I think what Dominic probably investigated Mr. Chairman once he looked at the record is that the town board never sent a coordination letter to the planning board. So I think what happened is the town board did SEQRA but didn't go through the steps that would have been a coordinated review so Dominic

probably being very conservative is saying treat it as if it wasn't a coordinated review and just do it again because it's like chicken soup.

MS. ZAMENICK: In fact, it actually does say the town board will also conduct a SEQRA review with respect to all site plan issues and special permit issues.

MR. ARGENIO: I know we talked about it.

MS. ZAMENICK: That makes me feel better because you were second guessing me because when I spoke to Dominic he said that it should be.

MR. ARGENIO: I'm not second guessing you, I know that I talked to Dominic about that issue and I had specific understanding of it and now that's changed.

MS. ZAMENICK: And that's the difficulty with him and I switching back and forth.

MR. ARGENIO: Now that's changed.

MR. EDSALL: So you would want to, they need lead agency for site plan application and then I would say after all the reviews you have done with the visuals.

MR. ARGENIO: Wait a second, lead agency for the site plan?

MR. EDSALL: And uncoordinated review, you're taking lead agency for the site plan application, that's my suggestion of what you should adopt as a resolution.

MR. ARGENIO: But aren't you saying, Amy, that what we need to do is we need to consider SEQRA, is that a different issue?

MS. ZAMENICK: It's the same thing.

MR. EDSALL: We're feeding you one resolution at a time.

MR. ARGENIO: Okay, so give me the verbiage.

MR. EDSALL: My suggestion is that the board adopt a resolution taking lead agency for an uncoordinated review of the site plan application.

MR. ARGENIO: Anybody sees fit, I'll accept a motion to

that effect.

MR. GALLAGHER: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion made and seconded that we assume lead agency for uncoordinated site plan review.

ROLL CALL

MR. FERGUSON AYE
MR. BROWN AYE
MR. GALLAGHER AYE
MR. ARGENIO AYE

MR. EDSALL: That having been done, we did a review of the visual impacts and other impacts for the site plan aspect that this board considered, you have had visual analysis done, they did it twice, they gave us a second submittal that we asked for, I think you have waived public hearing already.

MR. ARGENIO: Yes, we did.

MR. EDSALL: So with that investigation having been completed and you made determinations as to what would mitigate any visual impacts, you could now say that you can consider adopting a negative dec for your site plan application.

MR. ARGENIO: I'll accept a motion we declare a negative dec on this application.

MR. FERGUSON: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion made and seconded.

ROLL CALL

MR. FERGUSON AYE
MR. BROWN AYE
MR. GALLAGHER AYE
MR. ARGENIO AYE

MS. GALLAGHER: We had a public hearing, it wasn't waived, we had one.

MR. ARGENIO: Right, we had a public hearing and the folks from across the way on Knox Drive and Mitchell Lane showed up. We did have it, specifically it was characterized as a residential district and it's not a residential district, the fella from the senior citizen place showed up and spoke. Okay, anything else?

MR. EDSALL: You have to adopt a resolution approval of the site plan with the record acknowledging that the town board has already issued the approval and the special permit.

MR. ARGENIO: If anybody sees fit, I'll accept a motion to that effect.

MR. FERGUSON: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Final approval for the Verizon site plan, Mark, with the acknowledgment that the town board has--

MR. EDSALL: Town board has already acted on this and has issued a special permit.

MR. ARGENIO: Already issued the special use permit for the application. Roll call.

ROLL CALL

MR. FERGUSON AYE
MR. BROWN AYE
MR. GALLAGHER AYE
MR. ARGENIO AYE

MR. GALLAGHER: Do we need to put in the verbiage that we want a tree?

MR. ARGENIO: I think we made that abundantly clear.

MR. EDSALL: Final plans that will be submitted will have that reference to the tree finish.

MR. ARGENIO: That doesn't look like pipe cleaners on top.

MR. EDSALL: Yes.

MR. OLSON: Yes, I have them, we anticipated that was happening so yes.

MR. ARGENIO: You guys are all set.

MR. OLSON: Thank you very much.

MR. ARGENIO: Hearing nothing further, I'll accept a motion to adjourn.

MR. BROWN: So moved.

MR. FERGUSON: Second it.

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

Respectfully Submitted By:

Frances Roth
Stenographer